

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS (LULAC), et al.,

Plaintiffs,

v.

GREG ABBOTT, et al.,

Defendants.

Civil Action No. 3:21-cv-259
(DCG-JES-JVB)
(consolidated cases)

UNOPPOSED MOTION TO SUBSTITUTE MEMORANDUM OF LAW

The United States, by and through its undersigned attorneys, respectfully requests leave to file a substitute memorandum of law supporting its motion to compel compliance with the subpoena served on Eric Wienckowski.

On June 15, 2022, the United States filed a motion in the U.S. District Court for the Southern District of New York to compel third-party Eric Wienckowski to comply with a May 3, 2022 subpoena. *In re Wienckowski*, No. 3:22-mc-219 (S.D.N.Y.), ECF No. 2; *see also* Fed. R. Civ. P. 45(d)(2)(B)(i) (permitting such motions in the “court for the district where compliance is required”). On June 22, 2022, Mr. Wienckowski moved to transfer the action to this Court, with the consent of the United States. Mot. to Transfer, *In re Wienckowski*, No. 3:22-mc-219 (S.D.N.Y.), ECF No. 12. The Southern District of New York granted the motion to transfer and transferred the motion to compel, which this Court consolidated with the above-captioned case. *See Order, United States v. Wienckowski*, 3:22-mc-219 (W.D. Tex. June 28, 2022), ECF No. 17.

Alongside its motion, the United States submitted a memorandum of law presenting decisions applicable in the Southern District of New York. To facilitate resolution of this motion

to compel, the United States seeks leave to substitute this document with a memorandum of law citing decisions applicable in this Court. Mr. Wienckowski does not oppose this motion, and good cause exists to grant it. The United States' proposed substitute memorandum of law is attached as Exhibit 1. A proposed order granting the United States' motion is also attached.

Dated: June 28, 2022

PAMELA S. KARLAN
Principal Deputy Assistant Attorney General
Civil Rights Division

/s/ Holly F.B. Berlin
T. CHRISTIAN HERREN, JR.
TIMOTHY F. MELLETT
DANIEL J. FREEMAN
JANIE ALLISON (JAYE) SITTON
MICHELLE RUPP
JACKI L. ANDERSON
JASMIN LOTT
HOLLY F.B. BERLIN
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

CERTIFICATE OF CONFERRAL

Pursuant to Local Rule CV-7(g), I hereby certify that on June 28, 2022, counsel for the United States conferred by email with counsel for Respondent Eric Wienckowski regarding this request. Respondent does not oppose the requested relief.

/s/ Holly F.B. Berlin

Holly F.B. Berlin

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Ave, NW

Washington, DC 20530

(202) 532-3514

holly.berlin@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2022, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record

/s/ Holly F.B. Berlin

Holly F.B. Berlin

Voting Section

Civil Rights Division

U.S. Department of Justice

holly.berlin@usdoj.gov